



Att'y Dkt. No. 003-118
U.S. App. No. 10/780,619

YFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peters

Art Unit: 2857

Appl. No.: 10/780,619

Examiner: [to be assigned]

Filing Date: 19 February 2004

Atty. Docket: 003-118

Title: MEASUREMENT UNIT

INFORMATION DISCLOSURE STATEMENT

Mail Stop Non-Fee Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. Below is a certification under 37 C.F.R. § 1.97(e).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Peters

Art Unit: 2857

Application No.: 10/780,619

Examiner: [to be assigned]

Filing Date: 19 February 2004

Atty. Ref. No.: 003-118

Title: MEASUREMENT UNIT

**SUBMISSION OF CERTIFIED COPY OF APPLICATION IN SUPPORT OF A
CLAIM FOR PRIORITY UNDER 35 U.S.C. § 119**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits herewith a certified copy of the prior application identified below, in support of a claim for priority under 35 U.S.C. § 119 in the above-identified patent application:

Country	Priority Document Appl. No.	Filing Date
Germany	103 07 118.0	19 February 2003
Switzerland	2003 0386/03	12 March 2003

Prompt acknowledgment of this claim and submission is respectfully requested.

Respectfully submitted,

Adam J. Cermak
Reg. No. 40,391

Date: 14 Sept. 2004

U.S. P.T.O. Customer Number 36844
Cermak & Kenealy LLP
P.O. Box 7518
Alexandria, VA 22307

- b. Attached is my check no. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- c. Please charge my Deposit Account No. 50-2821 in the amount of \$ _____ for the fee under 37 C.F.R. § 1.17(p)

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant hereby Petitions that the Information Disclosure Statement be considered. Attached is my check please charge my Deposit Account No. 50-2821 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

4. Certification(s) under 37 C.F.R. § 1.97(e):

- a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

5. Relevance of the non-English language document(s) is discussed in the present specification. See pages _____ of the specification of the present application.

6. The document(s) was/were cited in a corresponding foreign application; a copy of a search report issued in the foreign application is attached, and/or an English language version of the foreign search report is attached for the Examiner's information. M.P.E.P. § 609 III (A)(3).

7. A concise explanation of the relevance of the non-English language document(s) is attached hereto or appears below.

8. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

9. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

10. Copies of the documents cited in the International Search Report (PCT/ISA/210) and/or the International Preliminary Examination Report (PCT/IPEA/416) have been received by the U.S. P.T.O., as indicated on the Notification of Acceptance (PCT/DO/EO/903); accordingly, additional copies are not provided herewith. M.P.E.P. §§ 609 II, 1892.03(g).

11. Copies of the U.S. patent documents cited on the PTO-1449 filed herewith are NOT provided, in accordance with Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003, 1276 Off. Gaz. Pat. Office 55 (August 5, 2003).

12. Other: _____

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

Respectfully submitted,

By: 

Adam J. Cermak
Reg. No. 40391

Date: 14 Sept. 2004

U.S. P.T.O. Customer Number 36844

Cermak & Kenealy LLP
P.O. Box 7518
Alexandria, VA 22307-7518
703.768.0994



Page 1 of 1

FORM PTO 1449 (modified) INFORMATION DISCLOSURE STATEMENT		Att'y. Ref. No.: 003-118	App. No.: 10/780,619
		APPLICANT(S): Peters	
		FILING DATE: 19 February 2004	Group Art Unit: 2857

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	NAME	CLASS	SUBCLASS	FILING DATE
	5,638,299	10 Jun 1997	Miller	364	550	
	5,839,094	17 Nov 1998	French	702	91	
	6,515,594	4 Feb 2003	Rettig	340	870.27	
	2002/0029151	7 Mar 2002	Shofner et al.	705	1	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUB'N DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	EP 0 482 229	29 Apr 1992	EPO			<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO03/017832	06 Mar 2003	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
	WO97/20447	05 Jun 1997	PCT			<input type="checkbox"/> Yes <input type="checkbox"/> No
						<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, Publisher, etc.)

Search Report from EPO
Search Report from CH 2003 0386/03 (12 March 2003)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	